

EXHIBIT 24



PENNSYLVANIA GAMING CONTROL BOARD
303 Walnut Street
Commonwealth Tower, 5th Floor
Harrisburg PA 17101
www.gamingcontrolboard.pa.gov

Luana DeBernardis
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November 25, 2024

Via email

Jessica Robertson
655 West Broadway, Suite 1900
San Diego, CA 92101
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Re: Right to Know Law Request 2024-043

Dear Ms. Robertson:

On October 28, 2024, the Pennsylvania Gaming Control Board (“PGCB” or “Board”) received your request for documents pursuant to the Pennsylvania Right-To-Know Law (“RTKL”) 65 P.S. §67.101 et seq. A copy of your request is attached for reference. Upon review, it is determined that your request is **granted, in part, and denied, in part**. I have addressed your request and each response in accordance with the bullet points set forth in your request.

Right to Know Request, #1: All documents and communications between Evolution and the PGCB from June 1, 2024, through September 30, 2024, concerning the PGCB’s press release titled “PA Gaming Control Board Fines iGaming Manufacturer for Unauthorized Access to Live Studio,” published on August 21, 2024.

Response: After a thorough search of the Board’s records, there are no communications between the PGCB and Evolution concerning the August 21, 2024, press release. Pursuant to the Office of Open Records Final Decision in Jenkins vs. Pennsylvania Department of State, OOR Dkt. AP 2009-065, it should be noted that: “It is not a denial of access when an agency does not possess records and [there is no] legal obligation to obtain them (see, e.g. Section 67.506 (d)(1)).”

Right to Know Request, #2: All documents or other correspondence and attachments thereto, not including documents publicly available, between Evolution and the PGCB from June 1, 2024, through September 30, 2024, concerning PGCB Docket No. 13000-2024, including the Consent Agreement proposed by the Office of Enforcement Counsel and Evolution US, LLC.

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Response: **Granted in part** – Attached is the Consent Agreement and accompanying Board order entered on August 21, 2024, under PGCB Docket Number 13000-2024.

Denied in part – Records of our agency relating to non-criminal investigations, including correspondence, are confidential documents in accordance with requirements of the Pennsylvania Race Horse Development and Gaming Act (“Gaming Act”) and the RTKL. Specifically, under the Gaming Act at 4 Pa.C.S. §1206(f), information “obtained by the Board or the Bureau as part of a background or other investigation from any source shall be confidential and withheld from public disclosure.” Additionally, the Board has the power and a duty to restrict access to confidential information in the possession of the Board and to ensure that the confidentiality of that information is maintained and protected, 4 Pa.C.S. §1207(2). Moreover, the prohibition against release of confidential information by any person constitutes a misdemeanor of the third degree and will also result in disciplinary action against the person disclosing that information, 4 Pa.C.S. §1206(f)(6). What is not being released is confidential information under the Gaming Act and therefore is not public under the Right to Know Law. *See* 4 Pa.C.S. §1206(f)(6), 65 P.S. §67.102, §67.305(a)(3), and §67.708(b)(17)(noncriminal investigations).

Please note that you have a right to appeal this decision in writing to Liz Wagenseller, Executive Director, Office of Open Records (OOR), 333 Market Street, 16th Floor, Harrisburg, Pennsylvania 17101. If you choose to file an appeal, you must do so within 15 business days of the mailing date of this response. In order to appeal, you must send to the OOR and simultaneously to me, in the same manner as the appeal is sent to the Office of Open Records (e-mail, fax, mail or hand delivery):

- 1) your request;
- 2) this response;
- 3) the appeal form that is available on the OOR website at:
<https://www.openrecords.pa.gov/Appeals/AppealForm.cfm>

All of the above must be submitted for the appeal to be valid.

If you have any questions regarding this letter, please do not hesitate to contact me.

Sincerely,

Luana DeBernardis

Luana DeBernardis
Agency Open Records Officer